

VIA FACSIMILE TRANSMISSION – OFFICIAL
To TC2600 – Fax Number 703-872-9315
September 29, 2003

REMARKS

Response to Requirement for a New Declaration

(1) Applicant has submitted a new Declaration to the Office of Petitions, and thus is respectfully submitted to have fully complied with the requirement in Section 3 of the Notice of Allowability, Paper No. 15.

(2) However, in order to assure a full response to the Notice of Allowability, since Applicant has been obliged to Petition under 37 CFR 1.47(a) for acceptance of a new Declaration signed by only six of the seven inventors, Applicant respectfully, pursuant to MPEP 707.07(a) cited in Section 7 of the Notice of Allowability, specifically traverses the formal requirement of a new declaration found in Section 3 of the Notice of Allowability of Paper No. 15 for the following reasons. With respect to Section 3 at Page 2 of the Notice of Allowability of Paper No. 15 dated 07/01/2003, Applicant respectfully submits that the present claims are original claims of the parent application of which this is a continuation. A CIP discloses and claims the early subject matter, while here the present inventive entity can only claim subject matter filed Aug. 9, 1996, for which the present inventors clearly recognize their duty to advise of prior art prior to the filing date of August 9, 1996 by their original Declaration. The different inventive entity including inventor Chan could submit a CIP Declaration, since then the claims could be either based on the 9/9/1994 filing date or the 8/9/1996 filing date since the inventive entity would include all the 9/9/1994 inventors. At the time that the present seven inventors submitted the original claims, there was no reference to a claim to an earlier filing date, so that the inventors clearly had the duty with respect to the original claims to advise the Patent Office of information pursuant to 37 CFR 1.56 which occurred prior to the parent filing date of 08/09/1996. If the original claims had been supported by Application No. 08/303,965, the additional inventor Shun Shing Chan should have been included as an inventor. [The temporarily unavailable inventor Christian Lenz

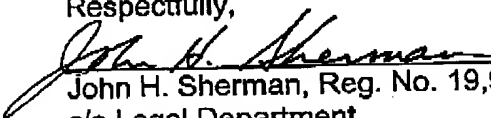
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Cesar has been specifically advised of his duty under 37 CFR 1.56 with respect to information which occurred between 09/09/1994 and 08/09/1996 as shown by the following exhibits filed with the Office of Petitions with the Affidavit of John H. Sherman on 09/28/2003: Exhibit D2 of 09/24/2003 (the fifth paragraph quoting from Section 3 of the Notice of Allowability, Paper No.15, the last six lines), and also Exhibit C2 of 09/19/2003 to the same effect.]

The Enclosed Information Disclosure Statement

Applicant submits herewith an IDS calling attention to the European published patent applications corresponding to US patents 5,550,547 (Chan et al) and 5,673,037 (Cesar et al), which were relied upon in rejecting the claims in the Official Action of 11/07/2001 in Sections 14-17. The undersigned apologizes for the oversight in failing to cite the enclosed European published applications at the time of filing the CPA on 05/07/2002. It seems likely that the present seven inventors can antedate the publication date of 03/20/1996 of the enclosed European published applications, which is only about five months prior to the parent filing date of 08/09/1996, (inventor Cofino having signed the original Declaration on July 18, 1996, i.e. within four months of the publication date).

Respectfully,


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Enclosure: Information Disclosure Statement Listing and Enclosing European
Published Patent Applications Corresponding to US Patents 5,550,547 and
5,673,037